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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,070

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R. Cameron Marcus

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03/10/2009

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EXAMINER

ZHOU, TING

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,070	Applicant(s) MARCUS, R. CAMERON	
	Examiner TING ZHOU	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20, 28, 31 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20, 28, 31 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 8 January 2009 under 37 CFR 1.53(d) based on parent Application No. 10/771,070 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 8 January 2009, submitted with the filing of the RCE have been received and entered. Claims 20, 28, 31 and 39 as amended are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. U.S. Publication 2002/0035404 (hereinafter "Ficco"), Ramakrishnan et al. U.S. Patent 5,634,346 (hereinafter "Ramakrishnan") and Manchester et al. U.S. Publication 2005/0198233 (hereinafter "Manchester").

Referring to claims 20 and 31, Ficco teaches a system and method comprising an interactive interface presented on a display of a computer appliance having a Universal Serial Bus (USB) port (USB ports) (Ficco: page 4, paragraph 0049), enabling a user to select through the interactive display individual ones of a set of mechanical functions of a microprocessor-

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controlled device (users can use the GUI provided on the display of the STB to control functions and commands of microprocessor controlled devices such as a TV, air conditioning system, etc.) (Ficco: page 2, paragraph 0019 and page 3, paragraphs 0037-0038 and 0043), and to select specific time-of-day (TOD) for functions selected (users can set the time when functions are to start) (Ficco: page 3, paragraph 0043); wherein the computer appliance saves the TOD selected for each mechanical function selected, in a form compatible with and recognizable by the microprocessor-controlled device, to be transferred to the microprocessor-controlled device (information pertinent to a particular device may be stored in storage and transmitted to the device in a compatible format, i.e. in a script designated for the particular device) (Ficco: page 2 paragraph 0019, page 8, paragraph 0089 and page 11, paragraph 0124). However, Ficco fail to explicitly teach selecting the starting or stopping times for the mechanical functions selected. Ramakrishnan teaches remote control of mechanical functions of a device (remotely controlling operations of an air conditioner) (Ramakrishnan: column 1, lines 45-49) similar to that of Ficco. In addition, Ramakrishnan further teaches selecting specific TOD for starting or stopping the mechanical functions selected (the user sets the start and end times for the air conditioner) (Ramakrishnan: column 1, lines 48-49 and column 5, lines 22-37), wherein the TOD selected for each mechanical function is saved (the controller saves. i.e. stores the start and stop times set) (Ramakrishnan: column 1, lines 54-57 and column 5, lines 41-47). It would have been obvious to one of ordinary skill in the art, having the teachings of Ficco and Ramakrishnan before him at the time the invention was made, to modify the control and configuration of controlled devices of the home network of Ficco, to include controlling the AC system via setting the start and stop times for the system, as taught by Ramakrishnan, in order to obtain a home network system that

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allows users to program the start and stop times for a function of a controlled device via an interface of a computer appliance, to be saved and transferred to the controlled device. One would have been motivated to make such a combination in order to provide users with the flexibility of controlling equipments in a home network from anywhere in the world; such a combination further minimizes the need for repeated user involvement in controlling and operating equipments in a home network. However, although Ficco and Ramakrishnan teach a USB port and saving timing information to a storage device for transport to another device, Ficco and Ramakrishnan fail to explicitly teach a thumb drive flash memory unit including a USB connector so that the computer saves the TOD selected to the thumb drive through the USB port, the thumb drive to be carried to the microprocessor-controlled device and engaged to a USB port at the device to upload the timing information to the device. Manchester teaches a graphical user interface for configuring information to control functions of another device (the configuring program on a computer assists a user in generating configuration data for configuring a client) (Manchester: page 1, paragraph 0004 and page 4, paragraph 0032). In addition, Manchester further teaches a thumb drive flash memory unit including a USB connector so that the computer saves the selected data to the thumb drive through the USB port (user selected/generated configuration data are stored on a portable memory by inserting a USB flash drive into a USB port) (Manchester: page 4, paragraph 0032), the thumb drive to be carried to the microprocessor-controlled device and engaged to a USB port at the device to upload the timing information to the device (the portable memory, i.e. USB flash drive is disconnected from the computer and transferred to another client device to be connected to the USB drive of the client device to load the configuration information to the client device, as shown in Figure 3) (Manchester: page 4,

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paragraphs 0032 and 0034). It would have been obvious to one of ordinary skill in the art, having the teachings of Ficco, Ramakrishnan and Manchester before him at the time the invention was made, to modify the storage of selected timing information for transfer to another device of Ficco and Ramakrishnan to include the transfer of stored information via a thumb drive flash memory unit, as taught by Manchester. One would have been motivated to make such a combination in order to quickly and easily provide devices with configuration settings without the need for a full-fledge user interface for interacting with the user on every device.

4. Claims 28 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al. U.S. Publication 2002/0035404 (hereinafter "Ficco"), Ramakrishnan et al. U.S. Patent 5,634,346 (hereinafter "Ramakrishnan") and Manchester et al. U.S. Publication 2005/0198233 (hereinafter "Manchester"), as applied to claims 20 and 31 above, and further in view of Addink et al. U.S. Publication 2002/0091452 (hereinafter "Addink").

Referring to claims 28 and 39, Ficco, Ramakrishnan and Manchester teach all of the limitations as applied to claims 20 and 31 above. Specifically, Ficco, Ramakrishnan and Manchester teach wherein the programmable device is a timing device for a sprinkler system (the controlled devices that can be commanded according to a timing parameter include a sprinkler system) (Ficco: page 3, paragraphs 0040 and 0043), and the mechanical functions are opening and closing of switches (switch to open or close the circuit for a fan) (Ramakrishnan: column 6, lines 46-51). However, Ficco, Ramakrishnan and Manchester fail to explicitly teach that the switches are for opening and closing of water valves. Addink teaches the use of a master

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controller to control a plurality of other devices (Addink: page 1, paragraph 0006) similar to that of Ficco, Ramakrishnan and Manchester. In addition, Addink further teaches controlling a water valve in a sprinkler via opening and closing a switch (controlling the water irrigation valve for sprinkler heads allowing water to be distributed) (Addink: page 3, paragraph 0028). It would have been obvious to one of ordinary skill in the art, having the teachings of Ficco, Ramakrishnan, Manchester and Addink before him at the time the invention was made, to modify the programmable timing device for the sprinkler system of Ficco, Ramakrishnan and Manchester to include the opening and closing of switches for controlling water valves, as taught by Addink, in order to obtain predictable results. Controlling a sprinkler system via opening and closing a water valve is well known to one of ordinary skill in the art, therefore, substituting the mechanical functions of the sprinkler system of Ficco, Ramakrishnan and Manchester with the mechanical functions of opening and closing the water valve of a sprinkler system of Addink would obtain the predictable results of controlling when the sprinkler is turned on and off via opening and closing of water valves for the sprinkler.

Response to Arguments

5. Applicant's arguments with respect to claims 20 and 31, and their corresponding dependent claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TING ZHOU whose telephone number is (571)272-4058. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ting Zhou/
Primary Examiner, Art Unit 2173